

ASSEMBLY BILL

No. 1146

Introduced by Assembly Member Jones

February 27, 2015

An act to amend Section 115800 of the Health and Safety Code, relating to recreational safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1146, as introduced, Jones. Skateboard parks.

Existing law prohibits an operator of a skateboard park from permitting a person to ride a skateboard at the park, unless the person is wearing a helmet, elbow pads, and knee pads. Existing law provides that a skateboard facility owned or operated by a local public agency that is not supervised on a regular basis may satisfy the above requirement if it complies with certain things, including the adoption of an ordinance that requires a person riding a skateboard in the facility to wear a helmet, elbow pads, and knee pads, as provided. Existing law provides that a public entity is not liable to a person who participates in a hazardous recreational activity and skateboarding at a facility owned or operated by a public entity as a public skateboard park is a hazardous recreational activity, if certain conditions are met.

For purposes of the above provisions relating to skateboard safety and liability, among others, this bill would include other wheeled recreational devices, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 115800 of the Health and Safety Code is amended to read:

115800. (a) ~~No~~*An* operator of a skateboard park shall *not* permit ~~any~~ *a* person to ride a skateboard ~~therein~~ *or other wheeled recreational device in the skateboard park*, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to ~~any~~ *a* facility, owned or operated by a local public agency, that is designed and maintained for the purpose of *riding a recreational skateboard use, or other wheeled recreational device*, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring ~~any~~ *a* person riding a skateboard *or other wheeled recreational device* at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that ~~any~~ *a* person riding a skateboard *or other wheeled recreational device* in the facility must wear a helmet, elbow pads, and knee pads, and that ~~any~~ *a* person failing to do so will be subject to citation ~~under~~ *pursuant to* the ordinance required by paragraph (1).

(c) “Local public agency” for purposes of this section includes, but is not limited to, a city, county, or city and county.

(d) *For purposes of this section, “other wheeled recreational device” includes, but is not limited to, nonmotorized bicycles, scooters, in-line skates, roller skates, or wheelchairs.*

~~(d)~~

(e) (1) ~~Skateboarding~~ *Riding a skateboard or other wheeled recreational device, or any concurrent combination of these activities at* ~~any~~ *a* facility or park owned or operated by a public entity as a public skateboard park, as provided in paragraph (3), shall be deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government Code if all of the following conditions are met:

(A) The person ~~skateboarding~~ *riding the skateboard or other wheeled recreational device* is 12 years of age or older.

1 (B) ~~The skateboarding activity~~ *riding of the skateboard or other*
2 *wheeled recreational device* that caused the injury was stunt, trick,
3 or luge ~~skateboarding~~ *riding*.

4 (C) The skateboard park is on public property that complies
5 with subdivision (a) or (b).

6 (2) In addition to ~~the provisions of~~ subdivision (c) of Section
7 831.7 of the Government Code, ~~nothing in this section is intended~~
8 ~~to~~ *does not* limit the liability of a public entity with respect to any
9 other duty imposed pursuant to existing law, including the duty to
10 protect against dangerous conditions of public property pursuant
11 to Chapter 2 (commencing with Section 830) of Part 2 of Division
12 3.6 of Title 1 of the Government Code. However, ~~nothing in this~~
13 ~~section is intended to~~ *does not* abrogate or limit any other legal
14 rights, defenses, or immunities that may otherwise be available at
15 law.

16 (3) (A) Except as provided in subparagraph (B), for public
17 skateboard parks that were constructed on or before January 1,
18 1998, this subdivision shall apply to hazardous recreational activity
19 injuries incurred on or after January 1, 1998, and before January
20 1, 2001. For public skateboard parks that are constructed after
21 January 1, 1998, this subdivision shall apply to hazardous
22 recreational activity injuries incurred on or after January 1, 1998.
23 For purposes of this subdivision, ~~any~~ *a* skateboard facility that is
24 a movable facility shall be deemed constructed on the first date it
25 is initially made available for use at ~~any~~ *a* location by the local
26 public agency.

27 (B) For public skateboard parks that were constructed after
28 January 1, 1996, and before January 1, 1998, this subdivision shall
29 apply to hazardous recreational activity injuries incurred on or
30 after January 1, 2012.

31 (4) The appropriate local public agency shall maintain a record
32 of all known or reported injuries incurred by a ~~skateboarder~~ *person*
33 *riding a skateboard or other wheeled recreational device* in a
34 public skateboard park or facility. The local public agency shall
35 also maintain a record of all claims, paid and not paid, including
36 any lawsuits and their results, arising from those incidents that
37 were filed against the public agency. ~~Beginning in 2013, copies~~
38 *Copies* of the records of claims and lawsuits shall be filed annually,
39 no later than January 30 each year, with the Assembly Committee
40 on Judiciary and the Senate Committee on Judiciary.

1 (5) (A) Except as provided in subparagraph (B), this subdivision
2 shall not apply on or after January 1, 2001, to public skateboard
3 parks that were constructed on or before January 1, 1998, but shall
4 continue to apply to public skateboard parks that are constructed
5 after January 1, 1998.

6 (B) On and after January 1, 2012, this subdivision shall apply
7 to public skateboard parks that were constructed on or after January
8 1, 1996.

9 (6) *For purposes of injuries that occur while operating a*
10 *wheeled recreational device described in subdivision (d) in a*
11 *skateboard facility, this subdivision shall apply to any claim filed*
12 *on or after January 1, 2016.*